

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Case No. 08-54612

NICOLE L. SIMS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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NICOLE L. SIMS,

Adv. Pro. No. 08-5066

Plaintiff,

v.

US BANK HOME MORTGAGE, et al.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

This case comes before the Court on Debtor/Plaintiff's "Motion Under L.B.R. 9024-1(a) to Reconsider Order Regarding Improper Service of Summons and Complaint on Defendant," filed on October 28, 2008 (Docket # 13), which this Court construes as a motion for reconsideration of the October 21, 2008 Order regarding improper service (Docket # 12), and

The Court having reviewed and considered the motion for reconsideration, and

The Court finds the motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. The Court interprets Fed.R.Bankr.P. 7004(b)(3) to require that the service by mail upon a corporation, which must be made "by mailing a copy of the summons and complaint to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service . . .,"

requires that the mailing be addressed to the attention of a particular, named individual who is an officer, managing or general agent, or agent authorized to receive service. *See, e.g., In re Schoon*, 153 B.R. 48, 49 (Bankr. N.D. Cal. 1993).

NOW, THEREFORE,

IT IS ORDERED that the motion for reconsideration should be, and hereby is, DENIED.

**Signed on October 29, 2008**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**